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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,084	03/18/2004	Taku Takaki	62758-074	4167

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MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

HUYNH, CHUCK

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,084	Applicant(s) TAKAKI ET AL.	
	Examiner Chuck Huynh	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Antilla et al (US 6721542; hereinafter Anttila).**

Regarding claim 1, Anttila discloses a program received in, and for execution by, a mobile terminal device, wherein the mobile terminal device has a first communicator that transmits and receives a wireless communication signal to and from a network base

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station (Col 8, lines 4-5), a second communicator that receives contents and does not transmit the wireless communication signal (memory receiving downloaded data/content to be stored and executed: Col 7, lines 8-14; Col 8, lines 33-50), and a button, wherein when the button is activated (Col 6, lines 28-30), the program is received by the second communicator in exchange for the wireless communication signal being unable to be transmitted from first communicator (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, nothing is transmitted when the receiver is downloading data/content Col 7, lines 8-14).

Regarding claim 8, Anttila discloses the program according to claim 1, when executed by the mobile terminal device, controlling the mobile terminal device to perform the steps of:

prohibiting the transmission of a call signal and/or a mail communication signal from the mobile terminal device first communicator; and starting applications viewable in the mobile terminal device, wherein, when the program has been received in the mobile terminal device, calls and/or mail communication by the mobile terminal device first communicator are prohibited (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-14).

Regarding claim 9, Anttila discloses the program according to claim 1, when executed by the mobile terminal device, controlling the mobile terminal device to

perform the step of prohibiting the transmission of a call signal and/or a mail communication signal, wherein, when the program has been received in the mobile terminal device, calls and/or mail communication by the mobile terminal device first communicator are prohibited, and in exchange, contents viewable in the mobile terminal device are added (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-14).

Regarding claim 2, Anttila discloses a signal processing system for a wireless communication signal that uses a mobile terminal device, a server, and a network base station transmitting the wireless communication signal (Col 2, lines 38-55),

wherein the mobile terminal device has a network communicator (transmitter), a content receiver (receiver) and a decision button for indicating a decision not to transmit the wireless communication signal to the network base station in exchange for receiving predetermined contents transmitted from the server (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-14), and

when the decision button has been activated, the wireless communication signal is not transmitted by the network communicator to the network base station, in exchange for receipt of predetermined contents transmitted from the server by the content receiver (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-

14).

Regarding claim 3, Anttila discloses the signal processing system according to claim 2, wherein the wireless communication signal is a program for telephone communication used when the mobile terminal device makes telephone communication with other mobile terminal device using the network communicator (Col 6, lines 49-51).

Regarding claim 4, Anttila discloses the signal processing system according to claim 2, wherein the predetermined contents are transmitted in a place where the use of the network communicator is limited, whereby the prevention of the use of the network communicator is promoted, so that the image of an enterprise administering the system can be improved (limiting mobile usage in places like hospitals, place of worship or conference room: Col 6, lines 55 – Col 7, lines 14).

Regarding claim 5, Anttila discloses the signal processing system according to claim 2, wherein the predetermined contents are transmitted in a place where the use of the network communicator is limited, whereby the prevention of the use of the network communicator is promoted, so that rigid adherence to manners can be achieved (Col 7, lines 8-14).

Regarding claim 6, Anttila discloses the signal processing system according to claim 2, wherein the predetermined contents are transmitted in a place where the use of

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the network communicator is limited, whereby the prevention of the use of the network communicator is promoted, and the prevention of annoyance to other people and the rigid adherence to or compliance with manners are achieved, so that the image of an enterprise administering the system can be improved (Col 7, lines 1-7).

Regarding claim 7, Anttila discloses the program according to claim 1, when executed by the mobile terminal device, controlling the mobile terminal device to display the name of a distributor of the program on a display screen of the mobile terminal device (menu of applications available: Col 7, lines 11-13).

Regarding claim 11, Anttila discloses a mobile terminal device (Fig. 3; Col 7, lines 54+) comprising:

a network communicator configured to transmit a wireless communication signal to a network base station (transmitter: Col 8, line 4);

a content receiver configured to receive a content transmitted from a server (receiver: Col 8, line 5); and

a decision button configured to indicate a decision not to transmit a wireless communication signal to the network base station in exchange for receiving a content transmitted from the server (button: Col 6, lines 28-35; simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-14),

wherein responsive to the decision button being activated, transmissions of the wireless communication signal to the network base station by the network communicator are prohibited, and the content transmitted from the server is received by the content receiver (simultaneous reception and transmission is prevented: Col 8, lines 17-20; therefore, the transmitter is off when the receiver is receiving content Col 7, lines 8-14).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Himmel et al. (US 6961561): A method for a central control computer, located within a given environment, to wirelessly communicate with, control and enhance the use of various mobile electronic devices entering the given environment. Furthermore, enhancements are provided by making available substitute features for the features of the mobile electronic device that were limited or disabled and by making available features not contained within the mobile electronic device itself.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh


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